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10/668,557	09/23/2003	Sankaralingam Ramraj	2003 P 09371 US	2582

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EXAMINER	
SQUIRES, ELIZA A	
ART UNIT	PAPER NUMBER
3626	
MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/668,557	RAMRAJ ET AL.	
	Examiner	Art Unit	
	Eliza Squires	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,13,19-22,26-29,32 and 34-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,13,19-22,26-29,32 and 34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the RCE filed on 3/16/2009. Claims 1-10, 13, 19-22, 26-29, 32, and 34-40 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-8, 10, 13, 19-22, 27-29, 32, 34-40** are rejected under 35 U.S.C. 102(a) as being anticipated by "De-identification of ICU Patient Records" by Jason M. Levine hereinafter referred to as *Levine*.

4. **As to claim 1,** *Levine* discloses a method for checking for patient information in a data stream in a medical records system comprising:

transferring the data stream in the medical records system (*Levine* page 6 section 1.2);

extracting a portion of alphabet data from the data stream (*Levine* page 6 section 1.2 and page 11 section 1.7.2 wherein alphabet information is a patients first name);

automatically comparing the portion of alphabet data with a predetermined sequence in a database (*Levine* page 11 section 1.7.2 wherein a predetermined sequence is stored in "fields" and free text is searched for the information. See also page 6 section 1.3);

automatically determining whether the portion of alphabet data comprises patient information based on the comparison (*Levine* page 6 section 1.3); and

modifying the portion of alphabet data if it comprises patient information so that the modified portion of the alphabet data is independent of the patient information (*Levine* page 11 and page 12 section 1.7.2 wherein the alphabet data, is replaced with the name of the field, i.e. a patients name is replaced with "PATIENTFIRSTNAME").

5. **As to claim 2,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein transferring the data stream in the medical records system comprises generating a report comprising the data stream (*Levine* page 6 section 1.2).

6. **As to claim 3,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein transferring the data stream in the medical records system comprises inputting the data stream into the medical records system (*Levine* page 6 section 1.2).

7. **As to claim 4,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein transferring the data stream in the medical records system comprises sending the data stream to a peripheral device (*Levine* page 6 section 1.2).

8. **As to claim 5,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein extracting a portion of alphabet data from the data stream comprises parsing the data stream (*Levine* page 11 and page 12 section 1.7.2).

9. **As to claim 6,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein automatically comparing the portion of alphabet data with a predetermined sequence in a database comprises automatically comparing the portion of alphabet data with a predetermined format (*Levine* page 11 and page 12 section 1.7.2).

10. **As to claim 7,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein automatically comparing the portion of alphabet data with a predetermined sequence in

a database and determining whether the portion of alphabet data comprises patient information based on the comparison comprises using rules to specify a sequence of alphabet characters that includes patient information (*Levine* page 11 and page 12 section 1.7.2).

11. **As to claim 8,** see the discussion of claims 1 and 7, additionally, *Levine* discloses the method wherein the rules comprise an expert system (*Levine* page 11 and page 12 section 1.7.2).

12. **As to claim 10,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein modifying the portion of alphabet data comprises modifying content of the portion of alphabet data (*Levine* page 11 and page 12 section 1.7.2).

13. **As to claim 13,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein the patient information is selected from the group consisting of name, postal address, e-mail address, telephone number, social security number, and birthday (*Levine* pages 8 and 9).

14. **As to claim 19,** *Levine* discloses a computer-based system for monitoring patient information in a medical records system, said computer-based system comprising:

a transfer device for transferring a data stream in the medical records system (*Levine* page 6 section 1.2);

a memory storing predetermined sequences of patient information (*Levine* page 11 section 1.7.2 wherein a predetermined sequence is stored in "fields" and free text is searched for the information. See also page 6 section 1.3); and

a processor being coupled to the memory and the transfer device, the processor comparing an alphabet portion of the data stream with at least one predetermined sequence in the memory, determining whether the alphabet portion of the data stream comprises patient information based on the comparison, and modifying the alphabet portion of the data stream so

that the modified alphabet portion of the data stream is independent of the patient information if the alphabet portion of the data stream comprises patient information (*Levine* page 11 and page 12 section 1.7.2 wherein the alphabet data, is replaced with the name of the field, i.e. a patients name is replaced with "PATIENTFIRSTNAME").

15. **As to claim 20,** see the discussion of claim 19, additionally, *Levine* discloses the computer-based system wherein the transfer device comprises an input device (*Levine* page 6 section 1.2).

16. **As to claim 21,** see the discussion of claim 19, additionally, *Levine* discloses the computer-based system wherein the data stream comprises a generated report(*Levine* page 6 section 1.2); and

wherein the transfer device comprises an output device (*Levine* page 6 section 1.2).

17. **As to claim 22,** see the discussion of claim 19, additionally, *Levine* discloses the computer-based system wherein the memory further comprises rules; and

wherein the processor comparing an alphabet portion of data with at least one predetermined sequence in the memory and determining whether the alphabet portion of the data stream comprises patient information based on the comparison comprises using the rules to specify a sequence of alphabet characters that includes patient information(*Levine* page 11 and page 12 section 1.7.2).

18. **As to claim 27,** *Levine* discloses a computer-based system for monitoring patient information in a medical records system, said computer-based system comprising:

a transfer device for transferring a data stream in the medical records system (*Levine* page 6 section 1.2);

a memory storing predetermined sequences of patient information (*Levine* page 11 section 1.7.2 wherein a predetermined sequence is stored in "fields" and free text is searched for the information. See also page 6 section 1.3); and

a processor being coupled to the memory and the transfer device, the processor determining at least one characteristic of the data stream, determining whether an alphabet portion of data stream comprises patient information based on the characteristic, and modifying the alphabet portion of data stream if it comprises patient information so that the modified alphabet portion of the data stream is independent of the patient information (*Levine* page 11 and page 12 section 1.7.2 wherein the alphabet data, is replaced with the name of the field, i.e. a patients name is replaced with "PATIENTFIRSTNAME").

19. **As to claim 28,** see the discussion of claim 27, additionally, *Levine* discloses the computer-based system wherein the characteristic comprises whether the data stream is a particular form (*Levine* page 11 and page 12 section 1.7.2 wherein a particular form is the sequence of characters that make up, for example, a patients name, stored in "fields")

20. **As to claim 29,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein the alphabet portion of data comprises a first number of alphabet characters; and wherein modifying the alphabet portion of data comprises replacing the alphabet portion of the data with a second number of replacement characters, the second number being selected independent of the first number, the replacement characters being selected independent of the patient information alphabet characters (*Levine* page 11 and page 12 section 1.7.2 wherein a patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME").

21. **As to claim 32,** see the discussion of claim 1, additionally, *Levine* discloses the method wherein modifying the alphabet portion of data comprises deleting the alphabet portion of the data (*Levine* page 11 section 1.7.1).

22. **As to claim 34,** see the discussion of claim 19, additionally, *Levine* discloses the computer-based system wherein the alphabet portion of data comprises a first number of alphabet characters; and

wherein modifying the alphabet portion of data comprises replacing the alphabet portion of the data with a second number of replacement characters, the second number being selected independent of the first number, the replacement characters being selected independent of the patient information alphabet characters (*Levine* page 11 and page 12 section 1.7.2 wherein a patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME").

23. **As to claim 35,** see the discussion of claim 19, additionally, *Levine* discloses the computer-based system wherein modifying the alphabet portion of the data stream comprises deleting the alphabet portion of the data stream (*Levine* page 11 section 1.7.1).

24. **As to claim 36,** see the discussion of claim 27, additionally, *Levine* discloses the computer-based system wherein the alphabet portion of data comprises a first number of alphabet characters; and

wherein modifying the alphabet portion of data comprises replacing the alphabet portion of the data with a second number of replacement characters, the second number being selected independent of the first number, the replacement characters being selected independent of the patient information alphabet characters (*Levine* page 11 and page 12 section 1.7.2 wherein a

patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME").

25. **As to claim 37,** see the discussion of claim 27, additionally, *Levine* discloses the computer-based system wherein modifying the alphabet portion of the data stream comprises deleting the alphabet portion of the data stream (*Levine* page 11 section 1.7.1).

26. **As to claim 38,** see the discussion of claims 1 and 29, additionally, *Levine* discloses the method wherein the second number of replacement characters comprises a predetermined number (*Levine* page 11 and page 12 section 1.7.2 wherein a patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME" and "PATIENTFIRSTNAME is composed of 16 characters).

27. **As to claim 39,** see the discussion of claims 19 and 34, additionally, *Levine* discloses the computer-based system wherein the second number of replacement characters comprises a predetermined number (*Levine* page 11 and page 12 section 1.7.2 wherein a patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME" and "PATIENTFIRSTNAME is composed of 16 characters).

28. **As to claim 40,** see the discussion of claims 27 and 36, additionally, *Levine* discloses the computer-based system wherein the second number of replacement characters comprises a predetermined number (*Levine* page 11 and page 12 section 1.7.2 wherein a patients name, regardless of the number of characters is replaced with "PATIENTFIRSTNAME" and "PATIENTFIRSTNAME is composed of 16 characters).

Claim Rejections - 35 USC § 103

29. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

30. **Claims 9 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Levine* in view of *Qamar*.

31. **As to claim 9,** see the discussion of claim 1, however, the prior art cited does not explicitly disclose an interactive feature between a user and the algorithm. *Qamar* discloses the method further comprising notifying a user of the portion of data which comprises patient information and suggesting options to modify the portion of data which comprises relevant information, and wherein modifying the portion of data comprises manually selecting one of the options to modify the portion of data (page 9 and 10, paragraphs [0200]-[0205]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Levine* with *Qamar* to utilize a method of parsing data, identifying in-correct text to a user, and allowing a user to manually select options to modify the data in order to create a user friendly software program easily incorporated into existing report generation software for medical data.

32. **As to claim 26,** see the discussion of claim 19, however, prior art does not explicitly disclose an interactive feature between a user and the algorithm. *Qamar* discloses the computer-based system wherein the processor notifies a user of the alphabet portions of the data stream comprising information requiring modification and suggesting alternatives for the alphabet portions of the data stream comprising the selected information requiring modification (page 9 and 10, paragraphs [0200]-[0205]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Levine* with *Qamar* to utilize a method of parsing data, identifying in-correct text to a user, and allowing a user to manually select options to modify the data in order to create a user friendly software program easily incorporated into existing report generation software for medical data.

Response to Arguments

33. Applicant's arguments filed 16 March 2009 have been fully considered but they are not persuasive.

34. Applicant's arguments with respect to claims 1-10, 13, 19-22, 26-29, 32, and 34-40 have been considered but are moot in view of the new ground(s) of rejection.

35. The objection to the abstract has been withdrawn in light of receipt of Applicant's amendment to the abstract.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eliza Squires whose telephone number is (571)270-7052. The examiner can normally be reached on Monday through Friday 8 am - 4 pm Eastern Standard Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eliza Squires/
Examiner, Art Unit 3626
5/4/09

/Robert Morgan/
Primary Examiner, Art Unit 3626